

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)
vs.) Crim. No. 10-119
JASON SHEPPARD,)
Defendant.)

MEMORANDUM OPINION AND ORDER

Pending before this Court is Defendant's (1) First Motion for Reconsideration [ECF#105]; (2) Motion to Compel the Plaintiff Deny to Enforce Appellate Waiver of I.A.C. [ECF#106]; (3) Motion to Appoint Counsel [ECF#107]; (4) letter "Motion for Return of Legal Documents and Retainer Fee" [ECF#108]; (5) letter "Motion to Appoint Counsel" [ECF#110]; and (6) letter "Motion for Discovery" [ECF#111].

With respect to Defendant's First Motion for Reconsideration [ECF#105], in which he requests that we reconsider his Motion for Bond pending appeal and grant him counsel for a bond hearing, we find that Defendant, a convicted felon currently awaiting trial on another federal criminal case, should not be released on bond and that a bond hearing is not necessary to reach that determination. Accordingly, Defendant's First Motion for Reconsideration will be denied.

With respect to Defendant's Motion to Compel the Plaintiff Deny to Enforce Appellate Waiver of I.A.C. [ECF#106], Defendant's Motion to Appoint Counsel [ECF#107], "Motion to Appoint Counsel" [ECF#110], and "Motion for Discovery" [ECF#111], we find that all of these motions are related to Defendant's four § 2255 Motions to Vacate and the arguments contained therein, none of which are currently "open" cases in this Court. Accordingly, we will deny these

motions at this point, but will do so without prejudice to Defendant to raise these issues again if Defendant appeals this Court's May 7, 2015 decision dismissing his fourth §2255 Motion and/or seeks a certificate of appealability from the appellate court with respect to his fourth §2255 Motion and we are instructed by the appellate court to review Defendant's fourth §2255 Motion on its merits.

Finally, with respect to Defendant's letter "Motion for Return of Legal Documents and Retainer Fee" [ECF#108] from his former counsel, while we are sympathetic to Defendant wanting his case file, we do not have jurisdiction to order his former counsel, not a party to this case, to turn over said files and to return any legal fees. For that reason, Defendant's letter "Motion for Return of Legal Documents and Retainer Fee" will be denied.

ORDER

AND NOW, this 11th day of May, 2015, it is hereby ORDERED, ADJUDGED, AND DECREED that Defendant Jason Sheppard's First Motion for Reconsideration [ECF#105] is DENIED; his Motion to Compel the Plaintiff Deny to Enforce Appellate Waiver of I.A.C. [ECF#106] is DENIED WITHOUT PREJUDICE; his Motion to Appoint Counsel [ECF#107] is DENIED WITHOUT PREJUDICE; his "Motion for Return of Legal Documents and Retainer Fee" [ECF#108] is DENIED; his "Motion to Appoint Counsel" [ECF#110] is DENIED WITHOUT PREJUDICE; and his letter "Motion for Discovery" [ECF#111] is DENIED WITHOUT PREJUDICE.

Maurice B. Cohill, Jr.
Maurice B. Cohill, Jr.
Senior District Court Judge

cc: Jason Sheppard